

**MINUTES FOR THE SEMINOLE COUNTY
BOARD OF ADJUSTMENT
FEBRUARY 24, 2003
AT 6:00 P.M.**

Members Present: Alan Rozon, Lila Buchanan, Mike Hattaway, and Dan Bushrui
Alternate Present: Mike Bass

Also present: Kathy Fall, Senior Planner, Earnest McDonald, Principal Coordinator, Karen Consalo, Deputy County Attorney, and Bernadette Smith, Senior Technician.

The Chairman called the meeting to order and reviewed the manner in which the meeting will be conducted and the method of appealing any decision made by the Board at this meeting.

The Chairman then called for any amendments or changes to the agenda.

Earnest McDonald noted the request of Mr. Middleton had been withdrawn prior to the start of tonight's meeting. Since the application was withdrawn in such a manner, the applicant will be able to reapply in the future, but will be required to pay the fees again and go through the entire process as if it were a new application.

Mr. Hattaway reiterated that this has been past practice of the Board of Adjustment.

Ilene Ortigas of 9924 Carolina Street, Oviedo stated that she would like to have the reapplication process explained again.

Chairman Hattaway went over the process of legal ads, posting of the placards, and the sending of notices to adjacent property owners.

Gloria Langton of 9900 Carolina Street also asked to be notified if an application is resubmitted.

Dr. Buchanan made a motion to accept the withdrawal of the application.

Mr. Bass seconded the motion.

The motion passed unanimously.

Items Requested for Continuation:

1. **TIMOTHY BROOKS** - 322 Sandy Top Lane; A-5 (Agriculture); reinstatement of a special exception for an existing mobile home; located approximately 0.1 mile north of Sandy Top Lane and 0.3 mile west of SR 426; (BM2002-027)
District 2 – Morris
Earnest McDonald, Principal Coordinator

Mr. McDonald explained that this item had been continued to obtain authorization from the property owner. This matter is unresolved. The property had not been posted. Staff was requesting continuation of this item to the March meeting.

Mr. Bushrui asked why the permission was not obtained.

Mr. McDonald explained that Staff had tried to reach the property owner by telephone and by letter, but there had been no response.

Mr. Bushrui noted the indication from the applicant that he would be out of the country.

Mr. Hattaway requested that Staff try to reach Mr. Brook's secretary and communicate with his office.

Mr. McDonald observed that Staff had made every reasonable effort to communicate with the property owner and Mr. Brooks.

Mr. Rozon made a motion to continue this item until the March meeting of the Board.

Dr. Buchanan seconded the motion.

The motion passed by a vote of 5 – 0.

Regular Items:

Prior to the hearing of the variance requests, Kathy Fall read the criteria for the granting of a variance from Chapter 30 of the Seminole County Land Development Code.

Variances:

- 1. JACK & CAROL ROSIER** - 4850 Hester Ave; A-1 (Agriculture); setback variance from 50 feet to 15 feet for a proposed horse stable for property located on the west side of Hester Ave, approximately 0.1 mile south of the intersection of County Road 427 and Hester Ave. (BV2003-002)
District 5 - McLain
Kathy Fall, Senior Planner

Ms. Fall stated that this application meets the criteria for the granting of a variance. Staff therefore makes the recommendation of approval.

The applicants stated that the placement of the stable will not interfere with the pond on the property.

Dr. Buchanan made a motion to approve the granting of the variance.

Mr. Bass seconded the motion.

The motion passed unanimously.

- 2. ROBERT T MOTT SR** - Cass Ave (lot 1, Block 2); A-1 (Agriculture); lot size variance from 43,560 square feet to 24,750 square feet and front yard setback variance from 50 feet to 25 feet for a proposed single-family home; on property

located on the south side of Cass Avenue, approximately 0.1 mile from the Cass Avenue and Palm Drive intersection. (BV2003-005)

District 2 – Morris

Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that the front yard variance request should be for the minimum variance, therefore the request in the front yard should be for “front yard setback variance from 50 feet to 40 feet,” rather than for 25 feet.

Mr. Hattaway stated that it was the intent of the Board to recommend approval of variances based on site plan approval.

Ms. Fall agreed.

Thomas Mott stated that the 40 foot measurement would be for his house, but that he wanted the 25 foot measurement for a pool.

Ms. Fall stated that this is a double fronted lot. In A-1 zoning there would be two 50-foot setbacks, leaving 70 feet for the pool.

Mr. Mott stated that he wanted the pool.

Mr. Rozon inquired about the well on the property.

Mr. Mott said that he would be moving the well.

Sheila Glazer of 680 McGraw Switch said that she was concerned about the lot size variance. She wanted to know if the lot is being divided.

Chairman Hattaway explained that the applicant is combining 3 smaller lots to make the requested amount.

Ms. Glazer stated her approval.

Mr. Rozon made a motion to approve the request from 50 feet to 40 feet and the other request.

Mr. Bass seconded the motion.

The motion passed by a vote of 5 – 0.

- 3. ROBERT T. SESSIONS** - 2057 Wembley Place; R-1AA (Single-Family Dwelling); rear yard setback variance from 30 feet to 25 feet for a room addition; on property located on the east side of Wembley Place, approximately 65 feet north of the Seymoure Court and Wembley Place intersection. (BV2002-191)
District 1 - Maloy
Earnest McDonald, Principal Coordinator

Earnest McDonald stated that the 630 square foot addition encroaches 5 feet into the 30 foot setback. Staff could not recommend approval since the criteria for granting a variance had not been met.

Mr. Sessions stated that he had not seen the staff report and would like to know why he was having his request recommended for denial.

Mr. McDonald stated that Staff believed that a reasonable sized structure could be located within the regular setbacks.

Mr. Sessions stated that he wanted the 21'6" for the addition which would house a pool table.

Mr. Bass asked about the proposed pool.

Mr. Sessions said the pool will extend from the line of the addition.

Mr. Bushrui stated that the location of the future pool created a hardship, making this the only place to locate the addition.

Mr. Rozon inquired about a local ARB.

Mr. Sessions said that he had approval of the neighbors and his ARB, but nothing in writing.

Dr. Buchanan stated that Mr. Sessions should obtain written approval from his ARB for his records.

Mr. Bushrui asked what was located behind the property.

Mr. Sessions said that there were 3 lots behind him, each about 15 acres, with homes well set back from the property line.

No one spoke from the audience concerning the request.

Mr. Rozon made a motion to approve the request, according to the site plan.

Dr Buchanan seconded the motion.

The motion passed by unanimous approval.

Special Exceptions:

- 1. CLINTON MIDDLETON/HARRY BING - 5748 Dean Road; A-1 (Agriculture):**
Special Exception for proposed daycare center in an existing single-family home; located on the west side of Dean Road, approximately 0.16 mile north of the Orange County line. (BS2003-001)
District 1 - Maloy
Earnest McDonald, Principal Coordinator

This item was withdrawn from consideration by the applicant prior to the meeting

Approval of the Minutes

It was requested that the minutes be reissued for approval at next month's meeting.

The meeting was adjourned at 6:45 P. M.